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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 389th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 30 May 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Algeria (CRC/C/28/Add.4; List of issues (CRC/C/Q/ALG/1); written replies from the Algerian Government (document distributed without a symbol, in French only)) (continued)

1. At the invitation of the Chairperson, the Algerian delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the Algerian delegation to reply to the questions raised at the previous meeting after Mrs. Mokhuane had reformulated the question she had raised at that time.

3. Mrs. MOKHUANE asked what the State was doing to give women as such, and not the family unit, the means to meet the needs of their children and thereby avoid having them removed from their care.

4. Mr. DEMBRI (Algeria) said that the State's approach in such circumstances was unambiguous and consisted in encouraging mothers, including single mothers, to discharge their natural responsibility by providing them with legal, financial and material assistance.

5. Mrs. HEMICI (Algeria) said that a child placed in care of a family as part of the kafalah tradition remained under the protection of the judge who had placed him there, and if the judge learned through the child's family of origin, through the court's social aid staff or through a teacher that the child's living conditions were not conducive to his development or well-being, he could put an end to the kafalah or place the child with another family.

6. With regard to the social and physical rehabilitation of minors who had been raped, if the victim had no parents to give her a home, she was placed in a specialized establishment under the care of the State, where she received medical and psychological care as well as social welfare services, and where she could also receive training or education, all those provisions being aimed at mitigating the effects of the violence. In order to file a complaint, child incest victims could, besides turning to the police and the courts, approach any of the many child protection associations. Furthermore, the Services providing Observation and Education in an Open Environment (SOEMO), headed by the judge of the juvenile court and comprising probation officers, could intervene. Those officers, who looked after juveniles on probation, also kept an eye on all children living within their districts, and cases of incest could therefore be reported to them.

7. Mrs. DJIDEL (Algeria) said that no child had yet had to be taken from his mother's custody and, on the contrary, in order to help mothers overcome their financial or other difficulties, social assistance programmes of various kinds had been set up, including State financial aid and community action offices, with their own budgets, which attempted immediately to provide the required aid to all mothers in distress.

8. Regarding the increased number of abandoned children, it was not possible to meet all demands, but if such an increase did continue, the kafalah system instituted in 1992 could help solve the problem. With respect to the modalities for complaints, the SOEMOs established in every wilaya had been strengthened by setting up new social action departments, important "proximity" facilities that were responsible not only for taking care of children placed in an open environment by the juvenile magistrate, but also for providing assistance to disadvantaged children in difficult circumstances. The facilities were staffed by educators with many years of experience behind them.

9. The CHAIRPERSON invited the members of the Committee to raise questions on the sections concerning health and welfare and education, leisure and cultural activities (paras. 36 to 43 of the list of issues).

10. Mrs. MBOI asked how the data collection system set up to monitor changes in children's health functioned and whether Algeria was intending to meet the objectives fixed for the year 2000 referred to in the report. The malnutrition rate among children under five had reportedly risen from 1.5 per cent to 3 per cent between 1992 and 1995; what provisions had been taken to put an end to that disturbing development? The data on the health of adolescents aged 15 to 19 referred to in the report were very old, and the maternal mortality rate for that age group seemed abnormally high in comparison to the 20-to-34 year age group. Updated statistics should be provided on the birth rate by age group and the maternal mortality rate by age group, as well as on drug abuse among adolescents.

11. She wondered whether an amicable solution under the auspices of a judge was applicable to a minor who became pregnant after she was raped but was not yet of marriageable age, and what care and counsel were given to young rape victims to whom a therapeutic abortion was proposed. More generally, she wanted information on the arrangements made to prevent undesired pregnancies, inside and outside of marriage, including services associated with reproductive health for young people. She also asked whether programmes were implemented to encourage men to adopt responsible sexual behaviour. She wondered whether there were any social or cultural obstacles to the implementation of the various programmes connected with reproductive health, including family planning programmes for young unmarried women. What was the fertility rate of the female population in general and of the 15-to-19 year old age group in particular?

12. Mr. DEMBRI (Algeria) said that Algeria was currently in the midst of a demographic transition marked by a lower birth rate due to training and information programmes conducted with the support of several international organizations, as well as to higher levels of culture and education among the population. The fertility rate had gradually been brought down to a level compatible with homogeneous development beneficial to the population in general. As attitudes had changed, birth spacing was now taken for granted in Algerian society, which aspired to universal modernity compatible with the profound values of the nation as a whole.

13. As to juvenile rape victims, if the rapist had decided to make redress but the victim was not of a legal age to marry, the judge could under article 7 of the Family Code grant a dispensation. It should be stressed that in Algerian society, redress was considered as an act of the highest moral standing which represented much more than a mere financial compensation. Separation by amicable agreement could, however, occur at some point after such a marriage. Should the rapist not agree to amicable separation under the auspices of the court, criminal penalties could apply if the offence was proved. If the rapist had not been identified or had disappeared, the victim was taken into State care. Associations also had an important role to play in that regard, for example, in helping to change attitudes and particularly in gaining acceptance for the idea that a single mother was as honourable as any other woman.

14. He was surprised by the data on malnutrition and wondered if there had not been a mistake in the presentation of the statistics. Malnutrition seemed to be declining in Algeria, and the Government was strongly committed to seeing that the structural adjustment agreements signed with the International Monetary Fund (IMF) did not harm the well-being of the population as a whole. No case of famine or malnutrition had been reported recently in Algeria, and the country had, moreover, the necessary infrastructure to handle emergencies. The figures might correspond to the increase in the number of persons with lower incomes than previously, but any decline in purchasing power was normally offset by the social aid system currently in place.

15. Mrs. CHAIEB (Algeria) said that, over the past three years, some families whose purchasing power had declined and who had little or no income had encountered problems with nutrition, but a field programme to combat protein and calorie deficiencies was under way. The number of persons affected was low, but would not be known for another year or two, until the detection and follow-up units had gathered all the necessary data.

16. Drug abuse did exist in Algeria, as in all countries, but was a rather recent phenomenon. An evaluation of the magnitude of the problem was under way, and a national anti-drug programme was due to be launched within a year. In the meantime, a prevention strategy was being implemented at all levels, aimed at providing all young people with information, particularly through associations. As to the care given to a young woman who became pregnant following a rape, therapeutic abortion was sometimes proposed to the family, but in most cases both the victim and her family wanted the pregnancy to reach its term, with the child subsequently put in the hands of the social services. Between 1987 and 1995, the fertility rate had fallen from 5.3 children per woman to 3.9, and in 1995, the population growth rate had been 1.9 per cent. The two principal factors to explain the change were later marriage, due to the fact that women were continuing their studies longer and were working, and contraception, a practice which had risen to the rate of 60 per cent. Available data came primarily from the population census, of which the most recent had been carried out in 1987; the next census was to begin in 1998. The health infrastructure also helped to collect data on fertility and health trends.

17. Mr. DEMBRI (Algeria) said there was a general planning authority that provided statistical data both on the general trends in the country's development and on all population-related matters, and one of the main tasks of the Ministry of Health was not only public health but also the well-being of the population as a whole.

18. Mrs. MBOI asked what measures had been taken in regard to reproductive health information and services and wondered whether any progress had been made in making the male population aware of its responsibility in terms of sexual behaviour. The maternal mortality rate for women aged 15 to 19 seemed to be much higher than that of women aged 20 to 34. Were special measures taken to assist that age group? While it was understandable that there were social constraints on the Algerian authorities, measures could nonetheless be taken to prevent early pregnancies.

19. Mrs. MOKHUANE asked what was being done for disabled children, particularly in terms of access to public buildings, integration into the normal educational system, and the reception system in the training centres.

20. Mrs. KARP asked for information and statistics on accidents in the home and child suicides.

21. The CHAIRPERSON said that the report and written replies did not contain any information on the status of teachers. What was the number of male and female teachers, and what was the student/teacher ratio? She also wished to know what their status was in Algerian society, for in many countries, education was no longer a viable profession because of the extremely low salaries paid to the various kinds of teachers.

22. Mr. DEMBRI (Algeria) said that, since independence, the Algerian authorities had chosen the path of universal education rather than that of elitism and selectivity. While that choice could lead to certain problems and it was true, for example, that primary classrooms could be considered overcrowded, it should nonetheless be borne in mind that Algeria had about 7.5 million primary school and high school students and the new school year brought 650,000 more students. There were 420,000 teachers and the school enrolment rate was 95 per cent for boys and 86 per cent for girls. Teachers formed the larger part of the middle class and earned an average 12,000 dinars per month, compared with 25,000 dinars a month for a high-ranking government official. Most of the administrative staff in charge of education and training were headed by women.

23. Mrs. DJIDEL (Algeria) said that the programme for the protection of disabled children focused on special education, training and supervision, equipment and medical treatment. Deaf, blind, mentally disturbed, physically disabled and spastic children were looked after in public facilities by specialized educators who had been trained in national centres. The country also had 400 professional training centres for the disabled, and all the programmes and measures were designed to ensure that disabled persons were integrated into Algerian society. Since the late 1980s, the country had also had a centre for the production, distribution and sale of artificial limbs for disabled persons. At the present time, with the assistance of the United Nations Children's Fund (UNICEF), the authorities were implementing a

policy to place deaf children in classrooms in the normal educational system. There was a National Advisory Council on the Protection and Promotion of Disabled Persons, composed of members of associations representing disabled persons. The Council organized meetings and workshops and made recommendations to shape a national policy for the protection of the disabled. The only measure in the housing policy specifically intended for disabled persons was priority for the disabled in obtaining ground-floor accommodation. Associations for the protection of the rights of the disabled were among the most active in the country and managed a number of support facilities for the disabled.

24. Mrs. CHAIEB (Algeria) said there were some 25 to 35 pupils in each primary class, while secondary education classrooms had an average of 20 pupils. There was a downward trend in the number of schoolchildren due to the slowdown in the demographic growth rate. Vocational training programmes were currently being reformed, which should eventually lead to training courses more likely to result in young people gaining access to the labour market. Young people who did not find work after taking such courses would be offered further training. Although she did not have very specific information on the subject, household and traffic accidents were quite numerous in Algeria.

25. Mr. DEMBRI (Algeria) said that suicide was quite uncommon in Algerian society, primarily for religious reasons.

26. The CHAIRPERSON invited the members of the Committee to consider the issue of special protection measures (paras. 44 to 50 of the list of issues).

27. Mr. FULCI said that, according to the 1994 report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), Decree No. 92/30 stipulated the death penalty on minors aged 16 to 18. However, according to information provided by the delegation, the death sentence for a minor would automatically be commuted to a prison sentence. He therefore wished to know whether the Decree took precedence over the Penal Code and whether there were cases of minors aged 16 to 18 who had been sentenced to death under the Decree. Furthermore, according to Algeria's report, the minimum age for employment was 16 years and, through periodic, unannounced visits to businesses, the Labour Inspectorates ensured that the rule was properly applied. Nonetheless, some sources maintained that the provision was not being respected in the private sector, particularly in agriculture. What practical measures had the Algerian authorities taken to ensure that the legislation applicable in the private sector and the rural regions was being enforced?

28. Mr. KOLOSOV said that in their reply to the Special Rapporteur, the Algerian authorities had stated that Decree No. 92/30 was primarily a deterrent and had never been applied to minors. However, the mere fact that it was still in force meant that a minor aged 16 to 18 could be sentenced to death. That provision was completely inconsistent with the Convention, even though Decree No. 92/30 was designed to combat dangerous and odious acts of terrorism.

29. With reference to justice, what was the proportion of imprisoned juveniles as opposed to those who had been sentenced to any of the precautionary measures covered in paragraph 125 of the report? Again, it would seem that the Berber population made up about 20 per cent of the total population. However, teaching of the Berber language did not seem to be very widespread in the schools. Could the delegation provide information in that regard? Lastly, he would like to know what the nutritional situation of refugee children was, whether there was a vaccination programme for them and whether they participated in the educational system.

30. Mrs. KARP asked what was done to prevent accidents, which affected many children at home and in the street. Were schools in charge of accident prevention and how was safety ensured in playgrounds?

31. The very detailed reply on juvenile justice had not provided information on the actual life of children in penal institutions, their numbers and the charges against them. The statistics available to her were on children under 15; did the delegation have any statistics on the situation of those under 18? It was not stated in either the report or the written replies whether the juvenile courts and institutions for juvenile delinquents were spread throughout the country. It was an important point, for if they were far from the home of the persons concerned, the parents and family members would certainly need assistance to make the journey. In addition, in its written replies, the Algerian Government had referred to specific provisions protecting children during inquiries, cross-examinations and pre-trial investigations, but had given no details. Nor did it say anything about the maximum length of pre-trial custody the criteria used for placing a child in pre-trial custody, the presence or absence of an attorney during the cross-examination of a child by the police, the number of attorneys appointed to assist children, the possible existence of a criminal record and its being saved or destroyed once the child reached the age of majority, or the courts - whether special or ordinary - before which children suspected of terrorist acts appeared.

32. Mrs. MBOI commended the Algerian Government on its protection of refugee children against ill-treatment but said there was still much to be done to solve the problems of malnutrition and the inadequate vaccination coverage among that population group.

33. The reply to issue No. 50 had not indicated whether any studies had been done on sexual violence against and sexual exploitation of children. Such studies were even more important, since clients were ready to pay a high price for contacts with an increasingly younger population not affected by HIV/AIDS. In order to get an accurate idea about prostitution, data should give details by sex, for there were both male and female prostitutes.

34. Reports that the Ministries of Justice and Health had taken steps to aid young girls condemned to prostitution should be more specific. For example, the Committee should be informed of measures taken to help such girls at the social and psychological levels, but especially at the economic level, since prostitution often had its origins in poverty. She asked whether efforts were being made to educate the male population in Algeria, which was where the demand for prostitution arose.

35. Mr. RABAH expressed concern about the functioning of juvenile justice. He wished to know how much time the inquiry and corresponding incarceration of a child could last, whether social workers checked that children were not subjected to ill-treatment during incarceration and, if they had been, whether the court was so informed. Prevention was one of the prime means of combating delinquency, and therefore called for the implementation of programmes, particularly to prohibit night work among children, which was conducive to prostitution. He would also like to know in detail the criteria adopted by the courts to determine what sentences to impose on minors in terms of their age. He wished to stress the threat posed to a child's future by the existence of a criminal record. Such records should be confidential, and it should not be possible for a potential employer, for example, to consult them. Similarly, it would be preferable for pardons not to mention children by name, as that was often how the public learned of their sentences.

36. The CHAIRPERSON, speaking as a member of the Committee, reverted to the issue of the suicide rate among young people, which the delegation had said was very low. In view of the amount of suicides among the young everywhere, vigilance was in order, and she asked what the Algerian Government was doing to protect young people from potentially damaging role models, including those seen on television. The Government's efforts to facilitate access to education by nomads also called for clarification. The educational system should provide them with instruction and not demand that they adapt themselves to a structure designed for settled populations.

37. Mr. DEMBRI (Algeria) said some members of the Committee were still not convinced there was no capital punishment for minors in Algeria. That fact was, however, very clear at least since the fiftieth session of the Commission on Human Rights, at which the Special Rapporteur on extrajudicial, summary or arbitrary executions had officially excused himself in writing for having misled the Commission with his report that the death sentence was being applied in Algeria to minors under 18. There were only ordinary courts in Algeria and no special courts. Since 1993, the application of the death penalty had been suspended, and it could conceivably be abolished altogether. Minors could not be imprisoned for life, and there was no children's prison in Algeria.

38. There were two categories of refugees: the Sahraoui populations in the south-west, who numbered about 185,000, and, in the far south, the 35,000 to 45,000 Malian and Nigerian refugees. In addition to the specific aid given them by the Algerian Government and the Red Crescent, they received aid based on a quadripartite agreement between Algeria, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Red Crescent and Mali, as well as subsidies from the international community. With specific reference to the Sahraoui refugees, he believed that the statistics to which members of the Committee had referred had been prepared by UNHCR for the year 1975, and therefore did not take account of the progress made since then, particularly in the fields of education and health. Those refugees were currently organized in administrations, and since the Sahraoui Arab Republic had been recognized by many countries, it was able to conclude international agreements protecting its nationals who had taken refuge abroad. Refugees had access to employment if they possessed skills, for example in the construction sector or education; students from Nigeria and Sierra Leone found places in Algerian

universities; and UNHCR assistance extended to the most vulnerable groups of refugees. Admittedly, new problems arose, such as prostitution, but the Algerian State was endeavouring to settle them with the traditional heads of the refugee communities.

39. With respect to questions on information, only those matters that ran counter to Islamic morality were outlawed. Children had immediate access to information about their rights. They also had access to any information from abroad, given Algeria's central location in terms of the European broadcasting system, which afforded access to dozens of television channels.

40. Regarding the use of the Amazighe (Berber) language, the Constitution proclaimed the Arab, Islamic, Amazighe and African dimensions of the country, and a High Commissioner for the Amazighe Culture had existed since 1994, and had begun the teaching of Berber on an experimental basis. There were now chairs in Berber anthropology and language and culture at Bejaia, Tizi Ouzou and Tlemcen.

41. Mrs. HEMICI (Algeria) said that the system of justice for juveniles functioned in conformity with the Code of Penal Procedure and there were juvenile courts throughout Algerian territory. For example, the court in Blida, which was a small wilaya, had 12 juvenile sections. Incarcerated children whose parents could not make the journey to visit them could be taken to see their family by an educator who then brought them back to the establishment in which they were placed. Moreover, juvenile brigades were special units consisting of police officers who had completed a special training course and juveniles in custody were generally taken before the magistrate the very day of their arrest. When a child was arrested, the security services advised his family as soon as possible and the father, who had civil responsibility for the child, had to be present during the questioning. A special register was kept in all detention centres, containing all the information on detained minors.

42. The law prohibited prostitution, and the Ministry of the Interior was investigating the phenomenon. Pre-trial detention of minors usually did not exceed four months, which was the amount of time needed to carry out the legal and social inquiry. Furthermore, minors who were subjected to abuse while in custody could file complaints, with the juvenile magistrate, the head of the penal institution or the trial magistrate. Inquiries were regularly conducted in detention centres at the request of the Government Procurator, juvenile magistrate, trial magistrate or president of the indictments chamber. A juvenile's criminal record was never made available to an employer and could be consulted only by magistrates. Algerian legislation considered that a juvenile was a victim, even if he had committed a serious offence. Even if the juvenile in such a case was pardoned, the juvenile magistrate could order a precautionary measure. For example, probation officers could counsel and assist juveniles in their school and working lives to prevent them from falling back into delinquency.

43. The CHAIRPERSON invited the members of the Committee to make their preliminary observations to the delegation.

44. Mrs. OUEDRAOGO said she welcomed the fruitful and constructive dialogue between the Committee and the delegation. She did, however, regret that the report had been too legalistic and had not dealt with the problems encountered in implementing the Convention. All the laws on children should be aligned with the Convention. Legislation should take greater account of the best interests of the child and his right to express his views freely. The Algerian Government should also adopt a consolidated text of all the laws on children. Furthermore, it would be useful to create a coordination and follow-up mechanism for all activities to help children, so as to make any necessary adjustments. The Government should withdraw its declarations to the Convention, for which there was no real justification.

45. Mrs. MBOI commended the Government's achievements in regard to health and education, given the economic difficulties that had to be faced. Nonetheless, not all the problems had been solved, and the Government should concern itself in particular with the health of adolescents and step up efforts to keep them away from the temptation of drug addiction and suicide. It should also evaluate the extent and consequences of violence on children and take measures to help child victims overcome their physical and psychological difficulties. Among other preventive measures, education should be oriented towards peace, so that child victims did not themselves turn into violent adults.

46. She recommended that the Government should conduct a survey on the position of children accused of having taken part in violent political acts and make sure that they were not mistreated and that their rights were respected, including their right to reintegration into society. In combating child prostitution, the Government should define strategies and programmes aimed at discouraging adults from exploiting children.

47. Mr. KOLOSOV said he was generally pleased with the dialogue with the Algerian delegation. He recommended that the Government should improve its statistical methods and promptly complete the Children's Code, which should fully reflect the rights of the child. The Convention should be more broadly disseminated. Moreover, the delegation should use the media, particularly television, to publicize the Committee's recommendations.

48. Mr. RABAH said he welcomed the fact that Algeria was doing everything possible to ensure the implementation of the Convention. However, improving services for children and adolescents called for more comprehensive statistical data. Generally speaking, the Government should improve the coordination of activities by the authorities to help children.

49. Mrs. MOKHUANE said she welcomed the remarkable results Algeria had obtained in implementing the Convention despite economic difficulties. Nevertheless, children's participation in family and society should be enhanced. The Government should set up programmes at the school and community levels to protect society against violence.

50. Mrs. KARP said that the delegation had not dealt sufficiently with the problems raised in implementing the Convention and that the Government should make greater use of statistics to evaluate those problems. Furthermore, children should be able to exercise their rights actively. She recommended

that, in its statistical studies, the Government should take into account not only the implementation of legislation on children but also violations of children's rights.

51. Mr. DEMBRI (Algeria) said that the delegation would take full account of the Committee's recommendations and it noted that the next report should focused more on the concrete reality of the implementation of the Convention. Regarding the concept of the child's best interests, the delegation recognized that more emphasis should be placed on the child's ability to make proper judgements. The Children's Code and the Observatory for the Rights of the Mother and the Child should facilitate progress in that regard.

52. An interpretative declaration was not a reservation. In fact, Algeria's declarations with regard to the Convention were aimed at specifying the way in which the Convention was implemented. In any event, he would transmit the Committee's recommendations to his Government. He thanked the Committee for its observations and welcomed the spirit of courtesy and frank dialogue that had characterized the debate.

53. The CHAIRPERSON announced that the Committee had thus concluded its consideration of the initial report of Algeria. She commended the spirit of openness and good will shown by the delegation. She again welcomed the efforts that Algeria was deploying to implement the Convention and hoped that its next periodic report would discuss the progress made in that regard.

The meeting rose at 6.05 p.m.